

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

INOCENCIO PEREZ,

Plaintiff,

v.

CITIMORTGAGE, INC; QUALITY LOAN
SERVICE CORP.,

Defendants.

Case No.: 10-CV-05675-LHK

ORDER REQUIRING PLAINTIFF TO
SHOW CAUSE WHY CASE SHOULD
NOT BE DISMISSED

On December 14, 2010, Plaintiff filed a Complaint alleging various causes of action in connection with a loan on property located at 10330 Athene Drive, San Jose, California 95127. *See* Compl., ECF No. 1. Defendant Citimortgage has moved to dismiss all causes of action in the Complaint. The hearing on this motion is set for April 28, 2011. Therefore, Plaintiff's opposition to the motion was due on April 7, 2011. *See* Civ. L.R. 7-3. As of the date of this Order, Plaintiff has filed no opposition, or statement of nonopposition, in violation of Civil Local Rule 7-3. In addition, Plaintiff failed to file a consent or declination to proceed before the Magistrate Judge by February 6, 2011, as ordered by Magistrate Judge Grewal on January 31, 2011. *See* Order Setting Deadline, ECF No. 12.

The Court hereby orders Plaintiff to show cause why this matter should not be dismissed for failure to prosecute. **By 5:00 p.m., Wednesday, April 27, 2011**, Plaintiff shall submit a response demonstrating why the matter should not be dismissed. This Order does not constitute

1 permission to file a late opposition to the pending motion. Failure to respond will result in
2 dismissal. The April 28, 2011, 1:30 p.m. hearing on the motions to dismiss remains as set.

3 **IT IS SO ORDERED.**

4
5 Dated: April 18, 2011


LUCY H. KOH
United States District Judge

United States District Court
For the Northern District of California